



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Caligiuri et al.

Serial No.: 10/589,840

Filed: May 17, 2007

Entitled: METHODS FOR TREATING
RESISTANT OR REFRACTORY
TUMORS

Art Unit: 1614

Examiner: A. Pagonakis

Attorney Docket No.: GPC-298.1P US

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT &
REQUEST TO ESTABLISH SMALL ENTITY STATUS
PURSUANT TO 37 C.F.R. §1.27**

Sir:

In response to the Office Action issued March 31, 2009, Applicants request reconsideration and withdrawal of the requirement of restriction for the reasons set forth below.

I. Request to establish small entity status pursuant to 37 C.F.R. §1.27

Applicants assert that pursuant to 37 C.F.R. §1.27, this application is entitled to small entity status. The assignee of this application, GPC Biotech AG, (by virtue of assignment recorded March 1, 2007; Reel 018955/Frame 0992) qualifies as a small business concern pursuant to 37 C.F.R. §1.27(2)(i) & (2)(ii).

Granting of small entity status for this application is respectfully requested.

II. Response To Restriction Requirement

In the Office Action, beginning on page 2, the Examiner has presented a two-way restriction of Applicants' claims, as between the following groups: